



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7507-99

17 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 7 August 1989 for four years as an AC2 (E-5). At the time of your reenlistment, you had completed five years of prior active service.

The record reflects that you were assigned to duty in Italy in November 1989 and prior to completion of your overseas tour, you received orders for transfer to Naval Air Station, Jacksonville, FL. On 9 September 1992, you signed a page 13 entry which stated:

"In consideration of assignment to FACSPFAC, Jacksonville, FL being unable to incur obligated service at this time due to substantial monetary loss of SRB, I agree to reenlist or extend until January 1995. I understand that failure to incur obligated service will result in assignment of an RE-4 reenlistment code."

You reported for duty in Jacksonville on 10 December 1992. However, on 12 March 1993, you were honorably discharged by reason of general demobilization due to a reduction in force, and were assigned an RE-4 reenlistment code. Although, the enlisted performance evaluation submitted upon separation recommended you for reenlistment, it noted that you had personal problems which hindered your ability to continue your career, and had failed to incur obligated service.

Regulations require the assignment of an RE-4 reenlistment code to career service members who elect separation in lieu of honoring an agreement to incur obligated service in exchange for orders. You contend that in early March 1993 you sought the command's advice regarding an urgent family advocacy issue and the command recommended that you separate under an early separation program. You assert that the reenlistment code is unjust in that you separated because of an event over which you had no control, and you were not counseled concerning the importance of the assigned reenlistment code. Absent the facts and circumstances which prevented you from continuing your career, the Board had no way of determining if there were options other than discharge available to you. Absence such evidence, the Board concluded that you were treated no differently than others who separated under similar circumstances and did not incur obligated service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director